

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Chapter 13

James T. Burke,
Debtor.

Case Nos. 16-23732 gmh

DEBTOR'S MOTION TO VACATE ORDER DISMISSING CASE

The debtor, by his, Michael R. Vanden Berg, hereby request that the Order Dismissing Case #16-23732 entered on June 10, 2016, be vacated on the following grounds:

1. Attached is the Order: Possible Future Dismissal of Case filed April 19, 2016, list the documents that need to filed within 14 of the petition does not list Statement of Financial Affairs as one of the documents that need to be filed. See **Exhibit 1**.
2. Attached is the email I received on April 19, 2016, titled Update Deficiency Deadlines dated April 19, 2016, do not list the Statement of Financial Affairs as one of the documents that need to be filed. See **Exhibit 2**.
3. I relied upon the Order and notice regarding deficiency deadline in determining which documents needed to be filed. A Statement of Financial Affairs was not filed because it was not listed as a required document.

THEREFORE, the debtors respectfully request that the order dismissing the case be vacated.

Dated: June 13, 2016

Michael R. Vanden Berg, attorney for the
Debtor.

/s/ Michael R. Vanden Berg
Michael R. Vanden Berg
State Bar #: 1019188

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Freedom, WI 54130
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mikevanden@gmail.com

THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT

By: G. Michael Halfenger
United States Bankruptcy Judge



Exhibit 1

DATED: April 19, 2016

A handwritten signature in black ink, appearing to read "G. Michael Halfenger".

G. Michael Halfenger
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:
James T Burke,

Debtor.

Chapter 13
Case No. 16-23732-gmh

ORDER: POSSIBLE FUTURE DISMISSAL OF CASE

Bankruptcy Code § 521(a) requires debtors to file certain information. Bankruptcy Rule 1007 sets a time limit for these documents of 14 days from the filing of the petition. If the debtor does not file completed documents within 14 days, and does not file a written request to extend this deadline, the U.S. Trustee may ask the Court to dismiss the case. The 14-day deadline in this case is May 3, 2016. The Court will decide whether any extension will be granted or denied.

Bankruptcy Rule 3015 requires Chapter 13 debtors to file a **Chapter 13 Plan** within 14 days of the date of the petition, unless the Court grants a written motion to extend the deadline. The Clerk has determined that a Chapter 13 Plan has not been filed. If the Chapter 13 Plan is not filed within the 14 day deadline, and if the Court has not been asked to extend this time, **the Court WILL dismiss this case.**

The Clerk has determined that the debtor in this case has also failed to file or failed to complete the following required documents:

- **Schedules (A/B-J and Declaration)**
- **Summary of Assets and Liabilities**
- **Form 122C-1 Current Monthly Income**
- **Form 122C-2 Calculation of Disposable Income (if applicable)**

Additional deadlines apply and may result in "automatic dismissal" of this case. You should discuss this Order with your bankruptcy attorney. If you do not have an attorney, you may wish to consult one. The Court's website, www.wieb.uscourts.gov has information about the Bankruptcy Help Desk for those who do not have an attorney.

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Michael VandenBerg <mikevanden@gmail.com>

16-23732-gmh Update Deficiency Deadlines

1 message

unix_wieb@wieb.uscourts.gov <unix_wieb@wieb.uscourts.gov>

Tue, Apr 19, 2016 at 4:05 PM

To: CourtMail@wieb.uscourts.gov

*** Please note: This e-mail message was sent from a notification-only address that cannot accept incoming e-mail. Please do not reply to this message. ***

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

**U.S. Bankruptcy Court
Eastern District of Wisconsin**

Notice of Electronic Filing

The following transaction was received from cab, deputy clerk entered on 4/19/2016 at 4:05 PM CDT and filed on 4/19/2016

Case Name: James T Burke
Case Number: 16-23732-gmh
Document Number:

Docket Text:

Deficiency Deadlines Updated. Section 521i due 6/3/2016. Schedules A/B-J and Declaration due 5/3/2016. Statement of Your Current Monthly Income and Calculation of Commitment Period Form B 22C-1 Due: 5/3/2016. Summary of Assets and Liabilities due 5/3/2016. Atty Disclosure Statement due 5/3/2016. Chapter 13 Plan due by 5/3/2016. Incomplete Filings due by 5/3/2016. (cab, deputy clerk)

The following document(s) are associated with this transaction:

16-23732-gmh Notice will be electronically mailed to:

Rebecca R. Garcia
filings@ch13oshkosh.com

Office of the U. S. Trustee
ustpregion11.mi.ecf@usdoj.gov

Michael R. Vanden Berg on behalf of Debtor James T Burke
mikevanden@gmail.com

16-23732-gmh Notice will not be electronically mailed to: